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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,794	12/26/2001	Jeff Scott Eder		5962
53787	7590	02/20/2009		
ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021				EXAMINER WEISBERGER, RICHARD C
			ART UNIT 3693	PAPER NUMBER PAPER
			MAIL DATE 02/20/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/025,794	EDER, JEFF SCOTT
	<b>Examiner</b> Richard C. Weisberger	Art Unit 3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 05 December 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 48-68 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 48-68 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

Claims 48-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately define the following markush style limitations of independent claims 48 and 59 :

A contribution to an organization value and an organization risk for each of one or more elements of value for process outputs

A contribution to an organization value and an organization risk for each of one or more elements of value for transactional data.

A contribution to an organization value and an organization risk for each of one or more elements of value for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for process outputs.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for transactional data.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process outputs.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process outputs.

In claim 49 a mix of processes

In claims 51, combinations of value and risk

In claim 54, combinations of the elements therein.

In claim 58, alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology, intellectual property, investors,

partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are selected from the group consisting of current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof.

In claims 59 a means for storing and processing said computational model, specification and data, means for identifying an impact of each feature on one or more expected process outputs; means for mapping the expected process outputs to the computational model of organization financial performance; means for creating a financial simulation model for the organization using said mappings, model and data.

In claim 68, an organization matrix of risk defined by one or more organization segments of value and one or more organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks, strategic risks and combinations thereof.

Claims 48-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims the following terms are vague and indefinite

A contribution to an organization value and an organization risk for each of one or more elements of value for process outputs

A contribution to an organization value and an organization risk for each of one or more elements of value for transactional data.

A contribution to an organization value and an organization risk for each of one or more elements of value for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for process outputs.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for transactional data.

A contribution to an organization value and an organization risk for each of one or more elements of external factors for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process outputs.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process features data.

A contribution to an organization value and an organization risk for each of one or more elements of risks for process outputs.

In claim 49 a mix of processes

In claims 51, combinations of value and risk

In claim 54, combinations of the elements therein.

In claim 58, alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology, intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are selected from the group consisting of current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof is a markush claim with elements that are indefinite and are of overlapping scopes.

In claim 68, an organization matrix of risk defined by one or more organization segments of value and one or more organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof is a Markush format with elements that are indefinite and are overlapping scopes.

Moreover, organization risks selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks, strategic risks and combinations thereof is again a Markush format with elements that are indefinite and are overlapping scopes..

This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The applicant has filed in excess of 70 non-patent prior art documents. Collectively, these documents exceed 4000 pages. In response to this requirement, please state whether and where each of these documents relate to the invention of claim 48 and 59.

The applicant is encouraged to contact the examiner by telephone to expedite this response.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard C Weisberger/  
Primary Examiner, Art Unit 3693

Richard C Weisberger  
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James Kramer  
SPE